

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 DODE-00 NSAE-00 USIA-15
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FM AMEMBASSY ROME
TO SECSTATE WASHDC 4468

UNCLAS ROME 7540

C O R R E C T E D C O P Y PARA 2 (OCTOBER 8)

E.O. 11652: N/A
TAGS: ESTC, IT
SUBJECT: COCOM/REVISIONS IN ITALIAN REGULATIONS

REF: STATE 075759

1. FOLLOWING IS A DESCRIPTION OF THE ITALIAN COCOM
REGULATIONS, INCLUDING RECENT REVISIONS, WHICH WE FEEL IS
IN PUBLISHABLE FORMAT.

2. BEGIN TEXT: EXPORT AND IMPORT LICENSE REQUIREMENTS:

THE FORMULATION OF EXPORT CONTROL POLICY AND THE ADMIN-
ISTRATION OF EXPORT LICENSING ARE THE PRIMARY RESPONSIBILITIES
OF THE MINISTRY OF FOREIGN TRADE. THIS MINISTRY IS ADVISED BY
A SPECIAL INTERMINISTERIAL COMMITTEE WHICH SCREENS ALL EXPORT
LICENSE APPLICATIONS FOR GOODS SUBJECT TO STRATEGIC CONTROL.
EXPORT LICENSES ARE ISSUED BY THE MINISTRY OF FINANCE UPON
THE AUTHORIZATION OF THE MINISTRY OF FOREIGN TRADE.

ALL COMMODITIES LISTED IN THE TABELLA ESPORT (EXPORT LIST)
EFFECTIVE FEBRUARY 2, 1975, AND MODIFIED BY MINISTERIAL
DECREE ON JANUARY 10, 1976, REQUIRE AN EXPORT LICENSE FOR ALL
DESTINATIONS. (ITALY EMPLOYS IMPORT CERTIFICATIONS/DELIVERY
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VERIFICATIONS (IC/DV) PROCEDURES AND, WHEN CONSIDERED
APPROPRIATE, CARRIES OUT END-USE CHECKS ON EXPORTS OF STRATEGIC
GOODS.)

ALL ITEMS INTERNATIONALLY ACCEPTED FOR EMBARGO ARE INCLUDED
IN THE TABELLA ESPORT. COMMODITIES NOT LISTED IN THE

TABELLA ESPORT ARE EXEMPT FROM LICENSE FOR EXPORT TO ALL DESTINATIONS, SINO AND SOVIET AREAS INCLUDED, WITH THE EXCEPTION OF RHODESIA WHICH IS UNDER COMPLETE EMBARGO FOR ALL TRADE WITH ITALY. LICENSES ARE REQUIRED FOR EXPORTS TO SINO AND SOVIET AREAS FOR ALL COMMODITIES LISTED IN THE TABELLA ESPORT.

IMPORT CERTIFICATES (IC) ARE ISSUED BY THE MINISTRY OF FOREIGN TRADE AND ARE GRANTED ONLY TO FIRMS CLEARED BY THE MINISTRY FOR FOREIGN TRADE ACTIVITY. DELIVERY VERIFICATIONS (DV) ARE ISSUED BY THE CUSTOMS SERVICE OF THE MINISTRY OF FINANCE. CERTAIN STRATEGIC IMPORTS AND CERTAIN RAW MATERIALS DESTINED FOR RE-EXPORT AS FINISHED PRODUCTS ARE KEPT UNDER SPECIAL CUSTOMS SUPERVISION UNTIL ACTUAL CONSUMPTION IN THE MANUFACTURING PROCESS.

THE FORMER SYSTEM OF IMPORT LICENSING RELATED TO IMPORT LIST A AND IMPORT LIST B HAS BEEN ALTERED BY MINISTERIAL DECREE OF MAY 6, 1976, AND FURTHER AMENDED BY MINISTERIAL DECREE OF JUNE 28, 1976. IN ACCORDANCE WITH THESE AMENDMENTS, IMPORTS REQUIRE LICENSING NOT ON THE BASIS OF THE PLACE FROM WHICH THE GOODS WERE EXPORTED BUT ON THE BASIS OF THEIR PLACE OF ORIGIN. COUNTRIES ARE NOW DIVIDED INTO ZONE A (A-1: EEC COUNTRIES; A-2: COUNTRIES ASSOCIATED WITH THE EEC; AND A-3: OTHER WESTERN COUNTRIES); ZONE B, COMMUNIST COUNTRIES; AND ZONE C, JAPAN.

THERE IS, IN ADDITION, A SERIES OF PRODUCTS WHICH IS NOT SUBJECT TO DISCRETIONARY IMPORT LICENSE RESTRICTIONS, BUT TO UNCLASSIFIED

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A "DIFFERENT FORM OF SUPERVISION" WHICH PERMITS, SHOULD THE TREND OF IMPORTS MAKE IT NECESSARY, THE TRANSFER OF THESE PRODUCTS TO A DISCRETIONARY LICENSE REGIME. THIS FORM OF SUPERVISION WAS ESTABLISHED BY A SIMPLE CIRCULAR NOTE OF THE MINISTER OF FOREIGN TRADE ON NOVEMBER 30, 1976.

FOR ALL COMMODITIES NOT INCLUDED IN THE PRECEDING DECREE OR CIRCULAR NOTE, THERE ARE NO IMPORT RESTRICTIONS.

TRANSIT CONTROLS.

A TRANSIT AUTHORIZATION CERTIFICATE (TAC) IS REQUIRED FOR SHIPMENTS PASSING IN TRANSIT THROUGH ITALY OF GOODS LISTED IN THE TABELLA ESPORT COMING FROM COUNTRIES PARTICIPATING IN THE TAC SCHEME AND DESTINED FOR ANY OF THE SOVIET-BLOC COUNTRIES.

FINANCIAL CONTROLS.

FINANCIAL CONTROL OVER ALL EXPORT TRANSACTIONS IS MAIN-

TAINED THROUGH THE LICENSING SYSTEM AND THROUGH IMPLEMENTATION OF EXISTING EXCHANGE CONTROL REGULATIONS WHICH REQUIRE BANK VALIDATIONS COVERING ALL EXPORT SHIPMENTS OF COMMERCIAL SIZE.

SHIPPING CONTROLS

CONTROL OVER ITALIAN-FLAG VESSELS CARRYING TO THE SINO AND SOVIET AREAS IS EXERCISED THROUGH VOLUNTARY INFORMAL COOPERATION BETWEEN THE ITALIAN AUTHORITIES AND THE SHIPPING COMPANIES.

PENALTIES

ACCORDING TO DECREE-LAW NO. 31 OF MARCH 4, 1976, AS AMENDED ON OCTOBER 8 AND NOVEMBER 19, SINCE EXPORTS WHICH DO NOT CONFORM TO REGULATIONS ALWAYS INVOLVE CURRENCY VIOLATIONS. THEY ARE SUBJECT TO THE LAWS GOVERNING THE LATTER WITH RELATED UNCLASSIFIED

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SEVERE PENALTIES, I.E. IMPRISONMENT FROM 1 TO 6 YEARS AND FINES FROM TWICE TO FOUR TIMES THE VALUE OF THE EXPORTED GOODS. THESE PENALTIES ARE INCREASED IF COMMITTED BY 3 OR MORE PERSONS. IN ADDITION, THE AFORESAID PENALTIES ARE DOUBLED IF "OWING TO THE DAMAGE THAT MIGHT DERIVE THEREFROM TO THE DOMESTIC ECONOMY, THERE IS A PERCEIVED THREAT TO THE NATIONAL INTEREST." FINALLY, AN ATTEMPT TO COMMIT THE CRIME IS CONSIDERED TANTAMOUNT TO A COMMITTED CRIME.

PENALTIES ENVISAGED FOR VIOLATIONS OF THE /CUSTOMS LAW/ MUST BE APPLIED SEPARATELY FROM THOSE CONTEMPLATED ABOVE AND WHENEVER BOTH A CUSTOMS VIOLATION AND A CURRENCY VIOLATION EXIST, THE MORE SEVERE PENALTY IS APPLIED.

ONE SHOULD REMEMBER THAT THE VIOLATION OF THE CUSTOMS LAW MEANS /SMUGGLING/ BOTH WHEN THE CRIME IS COMMITTED AND WHEN IT IS ONLY ATTEMPTED, AND THE PENALTIES CONTEMPLATED IN THIS CONNECTION ARE EXTREMELY SEVERE. END TEXT.

3. IN ORDER TO AVOID FURTHER DELAY AND CONFUSION WE ARE TRANSMITTING VIA AIRGRAM A DETAILED BREAKDOWN OF THE COUNTRIES GROUPINGS AS PER THE FIFTH PARAGRAPH OF THE LIST OF REGULATIONS ABOVE. GARDNER

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Message Attributes

Automatic Decaptioning: X
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Control Number: n/a
Copy: SINGLE
Sent Date: 09-May-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: n/a
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment:
Disposition Date: 01-Jan-1960 12:00:00 am
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
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Format: TEL
From: ROME
Handling Restrictions: n/a
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SAS ID: 2595603
Secure: OPEN
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Subject: COCOM/REVISIONS IN ITALIAN REGULATIONS
TAGS: ESTC, ETRD, IT
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vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/cb714698-c288-dd11-92da-001cc4696bcc
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